

*TOWN OF TIVERTON RHODE ISLAND  
HARBOR COMMISSION  
343 Highland Road  
Tiverton Rhode Island 02878*

*MINUTES OF HARBOR COMMISSION MEETING 6/29/09 –*

*Meeting called to order 1930 hours by Chairman John McEwing*

*Members in attendance: John McEwing, David Stewart, Bob Dixon, Roger Winiarski, Harris Gruber, Frank diMauro, Bruce Cox.*

*Guests: Charlie Smith; members of the Tiverton Yacht Club: Wayne Karzensky, Commodore, Greg Jones, Vice Commodore, John Brady, Fleet Captain.*

*CORRESPONDENCE – A letter was received from Dr. Jeremiah Lowney, of Portsmouth, regarding the proliferation of commercial moorings on both the Portsmouth and Tiverton sides of the main channel.*

*Another letter was received from the QDNYC at Quonset Point, which has a mooring at Fogland, requesting permission to hold a club rendezvous at Fogland, with a raftup, on August 9<sup>th</sup>. All concurred that this was acceptable.*

*OLD BUSINESS -*

*Having been in touch earlier with Rich Lucia, a CRMC engineering permitting official for Tiverton and four other East Bay towns, Harris Gruber was to be in contact again, regarding the final disposition by CRMC of the dockbuilding on the Karam property at “Tiverton Point LLC”*

*Regarding the possible re-launching of the Town Landing dinghy docks, discussion ranged around parking, easiest access (steps), and addressing questionable weak overhangs of the Stone Bridge structure that might easily be removed for safety. Resident Fred Sousa has expressed an active interest in doing the actual work to effect this, principally with a volunteer crew, including a cleanup of the area, so as to return this valuable resource to use for Town residents as quickly and inexpensively as possible. Bruce Cox made a motion that the HC support Mr. Sousa's efforts, which carried unanimously.*

*It was agreed to send a letter to the Town Council and the Building Inspector,*

*suggesting early contact between the Harbor Commission and these two agencies with regard to construction/renovations occurring within 200' of the Mean High Water mark, which projects are supposed to be reviewed by the Harbor Commission before approval by other Town agencies. In a related matter, the Building Inspector requested that he be contacted frequently and directly by the Chairman or Vice-Chairman of the Harbor Commission, in order to improve communications regarding these matters.*

*The continuing effort to add new members to the Harbor Commission was discussed. A suggestion was made to bring this up with resident Fred Sousa, who has provided valuable input to the Harbor Commission in other matters.*

#### *NEW BUSINESS -*

*It was discussed and agreed to send a letter to the Personnel Board to invite a member to join a subcommittee consisting of Harbormaster Dave Vannier and HC members Bob Dixon and Roger Winiarski for the purpose of generating a comprehensive job description for the Harbormaster's position and to report back frequently. It was also suggested to invite the Personnel Board Chair to join in these meetings.*

*Regarding construction of the new highway bridge, the Harbormaster reported that only four moorings will have to be moved. These will be re-located to the vicinity of C.W. Smith's dock and mooring until completion of the bridge project.*

*Also on this subject, Roger Winiarski has spoken with "Steve" at Cardi Construction about the severely curtailed access to Riverside Drive for vehicles and the apparent inability for fire apparatus and emergency vehicles to negotiate the obstacles occasioned by the construction activities. There is at least one resident of Riverside Drive **who may have need for emergency ambulance access without advance notice.***

*Further addressing this matter, it was noted that there has been no community update meeting in the recent past. It was noted that there ought to be frequent meetings about this, especially due to frequent traffic gridlock in the area and complaints and questions posed by residents of the area, and the Town in general. It was agreed to send a letter to the Town Administrator to request same.*

*Roger Winiarski further expressed concern that there be frequent inspections by the Harbormaster to assure that boats transporting bridge workers in the area be adequately equipped with inspected life jackets and other lifesaving gear, as required by U.S. Coast Guard Regulations. The issue will be even more important during winter months and inclement weather; with so many workers involved, greater attention is*

*required. He recommended periodic safety inspections by the Harbormaster.*

*Bob Dixon also recommended frequent monitoring of Cashman Construction's activities for debris and disorder, both of which are unacceptable, in the interests of navigation, safety and the environment.*

*Harris Gruber presented a list of some forty or more areas of pertinent concern to the Harbor Commission that he thinks should be addressed in the future, in the interest of properly fulfilling its constructive influence and oversight of the Town's tidal and navigational areas. Included are new or increased liaison with other Town agencies and interest groups, other harbor commissions, waterfront businesses, marina projects, private construction projects, small boat access, conservation matters, shoreline cleanup, plus many more. He further suggested forming a volunteer group to assist the Harbor Commission in these various new and existing projects. A subcommittee was formed with Harris Gruber, Frank diMauro and David Stewart, to discuss the matter, select ten possible issues, then present them to the HC at a forthcoming meeting for further discussion, then perhaps selecting three or four items to be addressed in the immediate future.*

*Harris Gruber brought up the issue of the Weaver's Cove LNG proposals. It has been reported that the U.S. Coast Guard has consistently opposed all these proposals and that despite this, the Federal Energy Resources Commission has consistently agreed with these proposals. He pointed out the recent events at a public meeting where questionable restrictions were placed on public comments, including an outrageous attempted muzzling of Representative Gallison, which has been widely reported in the local press. The issue brought up was the safety or lack of it regarding transport and storage of such volatile material through and in our area. Resident C.W. Smith, himself a retired gas company employee, explained that the liquid itself is not dangerous, but that once it mixes with air, it becomes highly explosive. Member Bruce Cox related how his brother, who lives in Wells, Maine, had been part of a group that prevented such a facility from being built in their town. A motion was made and seconded to write a letter of opposition to the Weaver's Cove proposals. The vote was 5-2 in favor of sending such a letter to the pertinent authorities. Bruce Cox, Harris Gruber, Frank diMauro, David Stewart and Roger Winiarski voted in favor of sending such a letter; John McEwing and Bob Dixon opposed.*

*Tiverton Yacht Club – Member Bruce Cox had requested that the issue of TYC being able to retain its moorings, for which the HC has granted permission, be placed on this meeting's Agenda. In response, the meeting was attended by Commodore Wayne Karzensky, Vice Commodore Greg Jones and Fleet Captain John Brady. Commodore Karzensky presented a history of the issues and actions surrounding the yacht club's problems, which has been covered extensively in the local press and on-line.*

### *Highlights of the presentation:*

- Commodore K called the events “an unfortunate fiasco”, “long, convoluted, complex”*
- TYC has been there since 1956, no zoning regulations until 1964*
- TYC has two parcels, one on the waterfront, one across the street from the waterfront, subject to different zoning regulations, because one side of the street is zoned ?waterfront?, the other ?residential?*
- Detailed presentation of the Club's history and permitting difficulties*
- TYC is proposing that its and several surrounding waterfront and residential properties be changed to “Waterfront Related” with a 20,000 square foot minimum. Inclusion of other properties in the proposal is to avoid “spot zoning” issues*
- Parking issues: TYC proposes to adopt CRMC requirements, including off-street parking*
- In sewage system disputes, RIDEM is the authority*
- TYC provides access to the water for 150 local families*
- Remarkably, ?in a recent court decision?, “ a judge said 'no swimming lessons for nonmembers' “*
- A new private marina, supposedly a public benefit, is not necessarily a “public benefit”, because it is private, not public (referring to the new marina to be built on Riverside Drive)*
- TYC will go before the Tiverton Planning Board to request the zoning change*
- Other waterfront entities have little or no off-street parking (i.e., Standish, Trinity (the new marina))*
- TYC's newest building proposal is 1332 square feet; the original building was 5000 square feet*
- TYC will also make a presentation before the Town Council in August*
- In the event of an unfavorable decision at a June 30 Superior Court decision, the matter will be referred to the RI Supreme Court*
- Nearby Riverside Drive resident C.W. Smith objected to the TYC plans, stating that the Club had not communicated sufficiently with its residential neighbors and that the younger members of the Club were inattentive to traffic and occasionally abusive to him*
- Member Bruce Cox re-stated that he wishes to see “TYC **be allowed to hold the disposition** of its moorings, pending final court decisions”*
- A motion was made and seconded to this effect and all voted “aye”, except Frank diMauro, who abstained, as he is also a member of the Planning Board (Frank also excused himself for most of the presentation, as TYC is to go before the PB on July 8).*
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*It was moved, seconded and unanimously agreed (with Frank diMauro abstaining) that the Harbor Commission should endorse the Tiverton Yacht Club as a “public benefit” and recommend same to the Town Zoning Board, the Planning Board and Town Council and also to endorse the establishment of the “Waterfront Related” zoning change, as proposed, subject to Town Council limitations. The vote taken was 5-1 in favor of the motion, with John McEwing voting against and Frank diMauro abstaining. Also, it was specified that Bob Dixon and Roger Winiarski are TYC members, though none of the other HC members are.*

*HARBORMASTER'S ACTIVITY REPORT was submitted orally and in writing by Dave Vannier. Full report is on the Town website.*

*Meeting was adjourned at 2250 hours.*

*Respectfully submitted -*

*Harris Gruber, Secretary*

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